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23419 7590 09/20/2007 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 500 1200 - 19th Street, NW Washington, DC 20036-2402			EXAMINER NGUYEN BA, HOANG VU A	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/609,204	<b>Applicant(s)</b> HERZ, WILLIAM SAMUEL	
	<b>Examiner</b> Hoang-Vu A. Nguyen-Ba	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the application filed June 27, 2003.
2. Claims 1-55 have been examined. Claims 1, 27, 38 and 54 are independent claims.

#### ***Priority***

3. The priority date considered for this application is June 27, 2003.

#### ***Oath/Declaration***

4. The Office acknowledges receipt of a properly signed oath/declaration filed June 27, 2003.

#### ***Drawings***

5. The drawings are objected to because of the following informalities:
  - a. the drawings are informal;
  - b. the figures showing snapshots of the computer screen are too dark to be legible;
  - c. FIG. 6 does not appear to show PVR data as described in the Brief Description of the Drawings section of the disclosure;
  - d. FIG. 7 does not appear to show a PVR surface as described in the Brief Description of the Drawings section of the disclosure;
  - e. FIG. 8 does not appear to be different from FIG. 7;
  - f. FIG. 9 does not appear to be different from FIG. 8; and
  - g. FIG. 10 does not appear to show any list as described in the Brief Description of the Drawings section of the disclosure.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

6. The specification is objected to because of the following minor informalities:

The use of trademarks, such as JAVA has been noted in this application (paragraph [0053] ). Trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in a manner which might adversely affect their validity as trademarks.

To expedite correction on this matter, the examiner suggests the following guidelines for Applicant to follow in amending the specification:

i. capitalize each letter of a trademark or accompany the trademark with an appropriate designation symbol, e.g., <sup>TM</sup> or ®, as appropriate;

ii. use each trademark as an adjective modifying a description noun.

For example, it would be appropriate to recite “the JAVA platform” or “the JAVA programming language.” Note that in these examples, “platform” and “programming language” provide accompanying generic terminology, describing the context in which the trademark is used. By itself, the trademark JAVA specifies only the source of the so-labeled products, namely SUN Microsystems, Inc.

### *Claim Objections*

7. Claim 34 is objected to because of the following informalities: the limitation “said image” at line 1 appears to lack proper antecedent basis. The limitation “said image” should be changed to – said three-dimensional image – in order to have proper antecedent basis.

### *Claim Rejections – 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in

section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States and was published under Article 21(2) of such treaty in the English language

9. Claims 1-17, 20, 23-25, 27-29, 32-34, 36, 38, 41-50, 52, 54-55 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,662,150 to Eiref et al. (“Eiref”).

### Claim 1

Eiref discloses at least *a method of displaying media information, comprising:*

*displaying a first type of program information on a first surface (see at least FIG. 7, e.g., “information thumbnail”); and*

*displaying a second type of program information on a second surface (see at least FIG. 7, e.g., “detailed information”);*

*wherein program information of at least two different types is displayed as a three-dimensional image (see at least FIG. 7, e.g., “3D object”).*

### Claim 2

The rejection of base claim 1 is incorporated. Eiref further discloses *wherein displaying includes displaying said first surface as a planar surface (see at least FIG. 7, e.g., “information thumbnail”).*

### Claim 3

The rejection of base claim 1 is incorporated. Eiref further discloses *wherein displaying includes displaying said first surface as a non-planar surface (see at least FIG. 7, e.g., “3D object”).*

### Claim 4

The rejection of base claim 1 is incorporated. Eiref further discloses *wherein said first type of program information comprises an electronic program guide for a plurality of television channels* (see at least FIG. 7 and 8:2-6, 13:6-9).

#### Claim 5

The rejection of base claim 1 is incorporated. Eiref further discloses *wherein said second type of program information comprises a program guide for stored video files* (see at least FIG. 7 and 8:6-8).

#### Claim 6

The rejections of base claim 1 and intervening claim 4 are incorporated. Eiref further discloses *wherein displaying includes displaying objects on said second surface representing user defined categories of stored video files* (see at least FIG. 7 and 8:6-39; 13:8).

#### Claim 7

The rejections of base claim 1 and intervening claims 4, 6 are incorporated. Eiref further discloses *wherein said objects comprise a representation of drawers* (see at least FIGs. 4, 7, e.g., Eiref's thumbnails are equated with the claimed "drawers" because when the thumbnail is selected, it protrudes from the two-dimensional plane as a 3D-cube like a drawer), *the method further comprising:*

*responsive to a user input requesting information for a selected drawer, opening said selected drawer orthogonally to said second surface and displaying information describing stored video files associated with said selected drawer* (see at least FIGs. 4, 7).

### Claim 8

The rejections of base claim 1 and intervening claims 1, 4, 6, 7 are incorporated. Eiref further discloses *wherein said displaying information describing stored video files comprise displaying at least one picture* (see at least FIGs. 6, 7).

### Claim 9

The rejections of base claim 1 and intervening claims 1, 4, 6, 7 are incorporated. Eiref further discloses *wherein said displaying information describing stored video files comprises playing at least one audio file* (see at least FIGs. 4, 6, 7; it is noted that when playing a video file most likely the accompanying audio file is also played unless the “mute” option is set by the user).

### Claim 10

The rejections of base claim 1 and intervening claims 1, 4, 6, 7 are incorporated. Eiref further discloses *wherein said displaying information comprises: revealing at least one data pop-up configured for a user to obtain additional information for at least one stored video file* (see at least FIG. 7, e.g., “3D object 92”).

### Claim 11

The rejections of base claim 1 and intervening claims 1, 4, 6, 7, 10 are incorporated. Eiref further discloses *wherein said at least one data pop-up is a polyhedron having a media thumbnail associated with at least one face of the polyhedron* (see at least FIG. 7, e.g., if the thumbnail represents a VCR tape,” the VCR tape content will be shown on the front face like the “live video 90” is in FIG. 7).



### **Claim 12**

The rejections of base claim 1 and intervening claims 1, 4, 6, 7, 10, 11 are incorporated. Eiref further discloses *rotating said pop-up to reveal a thumbnail of said polyhedron disposed on a face of said polyhedron that is initially hidden from view* (see at least 8:22-39; 13:20-30).

### **Claim 13**

The rejections of base claim 1 and intervening claims 1, 4, 6, 7, 10, 11 are incorporated. Eiref further discloses *wherein said data pop-up is a cube having media thumbnails associated with faces of the cube* (see at least FIGs. 4, 6, 7).

### **Claim 14**

The rejections of base claim 1 and intervening claims 1, 4, 6, 7, 10, 11 are incorporated. Eiref further discloses *wherein said media thumbnail is selected from the group consisting of: an audio thumbnail, a still picture, and a video clip* (see at least FIGs. 4, 6, 7 and 8:6-8).

### **Claim 15**

The rejections of base claim 1 and intervening claim 5 are incorporated. Eiref further discloses *wherein said stored video files are associated with a personal video recorder* (see at least 8:6-8).

### **Claim 16**

The rejections of base claim 1 and intervening claims 4, 6 are incorporated. Eiref further discloses *wherein at least one object represents an aisle of video files* (see at least FIG. 7, the rows of thumbnails are equated with the claimed “aisle”).

### Claim 17

The rejections of base claim 1 and intervening claims 4, 6, 16 are incorporated. Eiref further discloses *responsive to a user input, displaying video images representing stored video files associated with a selected aisle* (see at least 5:60 – 6:61).

### Claim 20

The rejection of base claim 1 is incorporated. Eiref further discloses *responsive to a user input, moving the three-dimensional image to navigate between the first type of program information and the second type of program information* (see at least 5:60 – 6:61).

### Claim 23

The rejection of base claim 1 is incorporated. Eiref further discloses *wherein the first type of program information is an electronic program guide and the second type of program information is a guide for stored video files* (see at least 8:2-6, 13:6-9 and 8:6-8).

### Claim 24

The rejection of base claim 1 is incorporated. Eiref further discloses *wherein the second type of program information is for at least one of audio files, photo files, or data files* (see at least FIG. 7 and 8:6-8).

### Claim 25

The rejections of base claim 1 and intervening claims 4, 6 are incorporated. Eiref further discloses *responsive to a user input, rotating the three dimensional image to view a selected one of the surfaces* (see at least 8:22-39; 13:20-30).

**Claim 27**

Eiref discloses at least *a graphical user interface* (see at least FIGs. 4, 6, 7),  
*comprising:*

*a first surface for displaying electronic program guide (EPG) information* (see at least FIG. 7 and 8:2-6, 13:6-9);

*a plurality of objects for representing program information for stored files disposed on at least one other surface* (see at least FIG. 7 and 8:1-21)

*wherein the first surface and the at least one other surface form a three-dimensional image* (see at least FIG. 7, “3D object 92”).

**Claim 28**

The rejection of base claim 27 is incorporated. Eiref does not specifically disclose *wherein said first surface has a linear time axis and a linear channel axis*. However, this feature is deemed inherent to Eiref because as described at 8:2-6 and 13:6-9, when Eiref's GUI displays EPG, the show times are shown on one axis and the channel information is shown on the other axis perpendicular to the time axis, as is commonly known. Without displaying show times on one axis and channel on another axis, a user would not know the show time of a program he/she desire to watch.

**Claim 29**

The rejection of base claim 27 is incorporated. Eiref further discloses *wherein said first surface has a non-linear time axis* (see at least FIGs. 4, 6, 7).

**Claim 32**

The rejection of base claim 27 is incorporated. Eiref further discloses *wherein said plurality of objects represent drawers of content* (see at least FIGs. 4, 7 and comments in Claim 7).

### Claim 33

The rejection of base claim 27 is incorporated. Eiref further discloses *wherein said three-dimensional image may be moved in response to a user input, whereby a user may switch between viewing an EPG and program information for stored files* (see at least 8:22-39; 13:20-30).

### Claim 34

The rejections of base claim 27 and intervening claim 33 are incorporated. Eiref further discloses *wherein said image is rotated in response to a user request* (see at least 8:22-39; 13:20-30).

### Claim 36

The rejections of base claim 27 and intervening claim 35 are incorporated. Eiref further discloses *wherein said at least one object comprises a cube* (see at least FIGs. 4, 6, 7).

### Claim 38

Eiref discloses at least *a method of displaying media information, comprising:*

*generating a three-dimensional image for displaying television program information*  
(see at least FIGs. 4, 5, 6, 7 and 8:2-6, 13:6-9);

*displaying program information on said three-dimensional image* (see at least FIGs. 4, 5, 6, 7 and 8:2-6, 13:6-9); *and*

*in response to a user input, moving said three-dimensional image to display program information of interest (see at least 8:22-39; 13:20-30).*

#### **Claim 41**

The rejection of base claim 38 is incorporated. Eiref further discloses *wherein said three-dimensional image comprises a sphere (see at least 8:18-21).*

#### **Claim 42**

The rejections of base claim 38 and intervening claim 41 are incorporated. Eiref further discloses *in response to a user input, rotating said sphere to reveal program information (see at least 8:22-39; 13:20-30).*

#### **Claim 43**

The rejection of base claim 38 is incorporated. Eiref further discloses *wherein said three-dimensional image comprises a polyhedron (see at least FIGs. 4-7).*

#### **Claim 44**

The rejections of base claim 38 and intervening claim 43 are incorporated. Eiref further discloses *where at least one facet of said polyhedron has a media thumbnail (see at least FIGs. 4, 6, 7; e.g., if the thumbnail represents a VCR tape, the VCR tape content will be shown on the front face like the "live video 90" is in FIG. 7).*

#### **Claim 45**

The rejections of base claim 38 and intervening claim 43 are incorporated. Eiref further discloses *in response to a user input, rotating said polyhedron to reveal a hidden facet having program information (see at least 8:22-39; 13:20-30).*

**Claim 46**

The rejection of base claim 38 is incorporated. Eiref further discloses *wherein said three-dimensional image includes an electronic program guide (EPG) surface for displaying an EPG and a personal video recorder (PVR) surface for displaying a PVR guide* (see at least 8:2-6, 13:6-9 and 8:6-8).

**Claim 47**

The rejections of base claim 38 and intervening claim 46 are incorporated. Eiref further discloses *wherein said PVR surface includes objects for representing attributes of stored video files* (see at least FIG. 7 and 8:6-8).

**Claim 48**

The rejections of base claim 38 and intervening claim 46 are incorporated. Eiref further discloses *responsive to a user command, rotating said three-dimensional image to bring one of the surfaces into a face-on view* (see at least 8:22-39; 13:20-30).

**Claim 49**

The rejection of base claim 38 is incorporated. Eiref further discloses *wherein said moving comprises moving objects of interest into a focused view* (see at least 8:22-39; 13:20-30).

**Claim 50**

The rejection of base claim 38 is incorporated. Eiref does not specifically disclose *wherein a portion of said three-dimensional image has a linear scale on at least one axis*. However, this feature is deemed inherent to Eiref because as described at 8:2-6 and

13:6-9, when Eiref's GUI displays EPG, at least the show times are shown on one axis and the channel information is shown on the other axis perpendicular to the time axis, as is commonly known. Without displaying show times on one axis and channel on another axis, a user would not know the show time of a program he/she desire to watch.

#### Claim 52

The rejection of base claim 38 is incorporated. Eiref does not specifically disclose *wherein a portion of said three-dimensional image has a linear scale on at least one axis*. However, this feature is deemed inherent to Eiref because as described at 8:2-6 and 13:6-9, when Eiref's GUI displays EPG, at least the show times are shown on one axis and the channel information is shown on the other axis perpendicular to the time axis, as is commonly known. Without displaying show times on one axis and channel on another axis, a user would not know the show time of a program he/she desire to watch.

#### Claim 54

Eiref discloses at least *an apparatus for displaying media information as a three-dimensional image* (see at least FIGs. 1-7), comprising:

*a computer receiving electronic program guide information* (see at least FIG. 2, device 50);

*a graphics processor coupled to the computer for forming three-dimensional graphical images on a visual display* (see at least FIG. 2, device 40; FIG. 3); and

*a personal video recorder coupled to the computer for storing video files* (FIG. 1, "VCR");

*the computer configured to display a three dimensional image of electronic program guide information and objects representing stored video files such that a user may move the three-dimensional image to navigate through program information (see at least FIGs. 4-7).*

#### **Claim 55**

The rejection of base claim 54 is incorporated. Eiref further discloses *wherein the computer controller is configured to display an electronic program guide on a first surface and a personal video recorder guide on a second surface* (see at least 8:2-6, 13:6-9 and 8:6-8).

#### ***Claim Rejections – 35 USC § 103***

10. The following is a quotation of the 35 U.S.C. § 103(a) which form the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,6621,509 to Eiref et al. (“Eiref”).

#### **Claim 18**

The rejection of base claim 1 is incorporated. Eiref does not specifically disclose *wherein at least a portion of one of the surfaces represents a video rental store.*

However, the examiner takes Official Notice that providing a user interface for video renting is old and well established in the business of e-commerce as a convenient way for a consumer to pay for purchased items, as described in the article



titled "Movielink Goes Online Today With New Internet Movie Rental Service," dated November 11, 2002.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a user interface representing a video rental store because the skilled artisan would have recognized that this business practice streamlines the process and saves time spent by a consumer in renting video and is clearly applicable to the renting of any type of product. These advantages are well known to those skilled in the art.

12. Claims 19, 21, 22, 26, 30, 31, 51 and 53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,662,509 to Eiref et al. ("Eiref"), as applied to the corresponding base claim, in view of U.S. Patent No. 6,742,184 to Finseth et al. ("Finseth").

### **Claim 19**

The rejection of base claim 1 is incorporated. Eiref does not specifically disclose *wherein said first surface has a time axis and a channel axis, with at least one of the axes being scaled non-linearly to facilitate reviewing electronic program guide information.*

However, in an analogous art, Finseth teaches an EPG interface that allows displaying the show times on a vertical axis (see at least FIGs. 10, 13, item 140) and the other information (e.g., items 114, 116, 142) on an horizontal axis, with the show times being non-linear (e.g., not in a chronological order) for the purpose of facilitating program identification and selection (see at least 1:22-25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Finseth in that of Eiref

for the same discussed above, thereby alleviating the problem of requiring a viewer to go through a hierarchy of screens of categories (see at least 1:5-24).

### Claim 21

The rejection of base claim 1 is incorporated. Eiref does not specifically disclose:

*displaying a cursor on a local coordinate of at least one of said surfaces; and  
in response to user commands, moving said cursor on said local coordinate.*

However, in an analogous art, Finseth teaches an EPG interface that allows displaying the above claimed features (see at least FIG. 10, item 106) for the purpose of facilitating program identification and selection (see at least 1:22-25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Finseth in that of Eiref for the same discussed above, thereby alleviating the problem of requiring a viewer to go through a hierarchy of screens of categories (see at least 1:5-24).

### Claim 22

The rejections of base claim 1 and intervening claim 21 are incorporated. Eiref does not specifically disclose *wherein at least one of said surfaces has a non-linear scale and said cursor is moving on a non-linear local coordinate.*

However, in an analogous art, Finseth teaches an EPG interface that meets the above claimed features (see at least FIG. 10, item 106 and discussion in Claim 19) for the purpose of facilitating program identification and selection (see at least 1:22-25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Finseth in that of Eiref

for the same discussed above, thereby alleviating the problem of requiring a viewer to go through a hierarchy of screens of categories (see at least 1:5-24).

### **Claim 26**

The rejection of base claim 1 is incorporated. Eiref does not specifically disclose *receiving a request for calendar information from a user and displaying a calendar pane*. However, Finseth, in an analogous art, teaches EPG with calendar tool for facilitating the viewing and recording programming of TV shows using a user-friendly interface (see at least 1:22-24, 1:56 – 2:24).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Finseth in that of Eiref for the same discussed above.

### **Claim 30**

The rejection of base claim 27 is incorporated. Eiref does not specifically disclose *wherein said first surface has a non-linear channel axis*.

However, in an analogous art, Finseth teaches an EPG interface that allows displaying the channels on a non-linear axis (see at least FIGs. 10, 13, item 114) and for the purpose of facilitating program identification and selection (see at least 1:22-25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Finseth in that of Eiref for the same discussed above, thereby alleviating the problem of requiring a viewer to go through a hierarchy of screens of categories (see at least 1:5-24).

### **Claim 31**

The rejection of base claim 27 is incorporated. Eiref does not specifically disclose *wherein said first surface has a non-linear time axis and a non-linear channel axis.*

However, in an analogous art, Finseth teaches an EPG interface that allows displaying the show times on a vertical axis (see at least FIGs. 10, 13, item 140) and the channel information (e.g., item 114) on another vertical axis, with the show times and channel identification being both on a non-linear axis (e.g., not in a chronological order) for the purpose of facilitating program identification and selection (see at least 1:22-25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Finseth in that of Eiref for the same discussed above, thereby alleviating the problem of requiring a viewer to go through a hierarchy of screens of categories (see at least 1:5-24).

### **Claim 51**

The rejection of base claim 38 is incorporated. Eiref does not specifically disclose *wherein a portion of said three-dimensional image has a non-linear scale on at least one axis.*

However, in an analogous art, Finseth teaches an EPG interface that allows displaying the channels on a non-linear axis (see at least FIGs. 10, 13, item 114) and for the purpose of facilitating program identification and selection (see at least 1:22-25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Finseth in that of Eiref for the same discussed above, thereby alleviating the problem of requiring a viewer to go through a hierarchy of screens of categories (see at least 1:5-24).

### **Claim 53**

The rejection of base claim 38 is incorporated. Eiref does not specifically disclose *wherein a portion of said three-dimensional image has a first linear axis on a first axis and a second non-linear scale on a second axis.*

However, in an analogous art, Finseth teaches an EPG interface that allows displaying the show times on a vertical axis (see at least FIGs. 10, 13, item 140) and the other information (e.g., items 114, 116, 142) on an horizontal axis, with the show times being non-linear (e.g., not in a chronological order) for the purpose of facilitating program identification and selection (see at least 1:22-25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Finseth in that of Eiref for the same discussed above, thereby alleviating the problem of requiring a viewer to go through a hierarchy of screens of categories (see at least 1:5-24).

13. Claims 35 and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,662,509 to Eiref et al. ("Eiref"), as applied to the corresponding base claim, in view of U.S. Patent No. 6,421,067 to Kamen et al. ("Kamen").

### **Claim 35**

The rejection of base claim 27 is incorporated. Eiref does not specifically disclose *wherein at least one of said objects has thematic elements disposed on each of a plurality of facets.*

However, in an analogous art, Kamen teaches a polyhedron that displays different programs, i.e., the claimed thematic elements (e.g., news on one face, sports on another face, etc.) from different channels are mapped onto different faces of a

polyhedron (see at least FIG. 2C', faces 560, 561 and 563) for the purpose of increasing the efficiency of navigation by the user through the EPG (see at least 5:2-3).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate Kamen's teaching in that of Eiref for the many advantages described in Kamen and for the purpose discussed above.

### **Claim 37**

The rejections of base claim 27 and intervening claim 35 are incorporated. The combination Eiref-Kamen does not specifically disclose *wherein said at least one object represents a portion of a video store*.

However, the examiner takes Official Notice that providing a user interface for video renting is old and well established in the business of e-commerce as a convenient way for a consumer to pay for purchased items, as described in the article titled "Movielink Goes Online Today With New Internet Movie Rental Service," dated November 11, 2002.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a user interface representing a video rental store because the skilled artisan would have recognized that this business practice streamlines the process and saves time spent by a consumer in renting video and is clearly applicable to the renting of any type of product. These advantages are well known to those skilled in the art.

14. Claims 39 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,6621,509 to Eiref et al. ("Eiref"), as applied to the

corresponding base claim, in view of U.S. Patent No. 6,662,177 to Martino et al. (“Martino”).

### **Claim 39**

The rejection of base claim 38 is incorporated. Eiref does not specifically disclose *wherein said three-dimensional image comprises a cylinder and a video fill buffer is mapped onto said cylinder*.

However, Martino teaches a user interface that provides a virtual bin that a user can enter programs to be searched (see at least FIG. 4-9).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Martino to populate the bin with the videos that meet the user’s search criteria and incorporate this modification in Eiref, as this would facilitate video identification and selection.

### **Claim 40**

The rejections of base claim 38 and intervening claim 39 are incorporated. Eiref further discloses *in response to a user input, rotating said cylinder to reveal program information* (see at least 8:22-39; 13:20-30).

### **Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to Applicant’s disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu “Antony” Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



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